IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 24453 of 2004**

Between:

M.A. Raheem,

S/o.Mohd.Khaja, age 55 years, Business,

R/o.No.319, Metroclassic Apartments, A.C. guards,

Hyderabad-4.

**... PETITIONER**

AND

1. The Deputy Commissioner of Police, South Zone, Purani Haveli, Hyderabad.

2. The Assistant Commissioner of Police, Charminar, Hyderabad.

3. The Station House Officer, Kalapattar Police Station, Hyderabad.

4. Ayub Khan S/o.Amir Ali Khan, aged about 42 years, Business,

R/o.19-4-281/F/12, Nawabsab Kunta, Hyderabad.

5. Masood S/o.Mohd.Taqui Khan, aged about 45 years,

Occ: Real Estate Business, R/o.19-4-278/13/4, Saleheen Colony,

Nawabsaheb Kunta, Hyderabad.

6. Mohd. Kareem Khan S/o.Taqui Khan, Aged about 40 years, Occ: Business

R/o.19-4-278/13/4, Saleheen Colony, Nawabsaheb Kunta, Hyderabad.

7. Shabbir, S/o.fathers name not known, aged about 30 years,

Occ:Business, R/o.Tekri Biryani Shan, Nawab Saheb Kunta, Hyderabad.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

call for the records from the respondents 1 o 3 and issue an appropriate writ, direction or order more particularly one in the nature of Mandamus declaring that the failure on the part of the respondents 1 to 3 to take an appropriate action and investigate the case and stop the respondents 4 to 7 and their associates from undue interference and danger to petitioner and his family members and occupants of the property as well as his property bearing No.19-2-21/23/A/3/1, admeasuring 668 sq.yards, situated in Basharath Nagar, Nawabsab Kunta, Hyderabad, is arbitrary, illegal, capricious and violative of Articles 14,21 and 300-A of the Constitution of India, consequently directing respondents 1 to 3 to investigate and take appropriate action against respondents 4 to 7 and their associates thwarting them from perpetrating any illegal and high handed activities in the interests of justice.

**Counsel for the Petitioner:MR.P.V.RAMA SARMA**

**Counsel for the Respondent Nos.1 to 3: GP FOR HOME**

**The Court at the stage of admission made the following :**

**ORDER:**

The petitioner claims that he submitted a complaint before the Court of II Metropolitan Magistrate, Hyderabad, against respondents 4 to 7 and two Head Constables, of Police Station - Kalapattar, alleging that they have assaulted him and tried to interfere with his property. On a reference made by the learned Magistrate to the 3rd respondent, F.I.R.No.38 of 2004 was registered on 17-04-2004. The present grievance of the petitioner is that, having been enraged by the submission of the complaint, by the petitioner, respondents 4 to 7 and two Constables of the Police Station are interfering with the property bearing No.19-2-21/23/A/3/1, situated at Basharath Nagar, Hyderabad, and endangering his life, and he seeks appropriate directions from this Court.

Heard the learned counsel for the petitioner and learned Government Pleader for Home.

As regard the criminal acts, said to have been committed by respondents 4 to 7 and 2 other constables, the petitioner had already approached the criminal Court and a case is registered. The present complaint is almost civil in nature. It is too difficult to record any finding as to the possession over the property in question, as well as the

nature of interference. The petitioner would be well advised to approach the Civil Court and seek appropriate relief, if he faces any threat from respondents 4 to 7.

Hence, the writ petition is disposed of, leaving it open to the petitioner to work out his remedies in a Civil Court. It is, however, made clear that, in case there is any threat to the personal safety of the petitioner, it shall be the obligation of the respondents 1 to 3, to accord necessary protection to the petitioner. There shall be no order as to costs.

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**L. NARASIMHA REDDY, J.**

**Dt.30-12-2004**

*KO*

To

1. The Deputy Commissioner of Police, South Zone,

Purani Haveli, Hyderabad.

2. The Assistant Commissioner of Police, Charminar, Hyderabad.

3. The Station House Officer, Kalapattar Police Station, Hyderabad.

4.2CCs to G.P. for Home, High Court of A.P., High Court Buildings,

Hyderabad (OUT).

5.2CD copies